



3-22-04

DAC\$

Attorney Docket No. 337348021US

Express Mail Label EV343595778US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BRADFORD EVAN GLINER *ET AL.*

APPLICATION No.: 09/978,134

FILED: OCTOBER 15, 2001

FOR: **SYSTEMS AND METHODS FOR  
AUTOMATICALLY OPTIMIZING STIMULUS  
PARAMETERS AND ELECTRODE  
CONFIGURATIONS FOR NEURO-  
STIMULATORS**

EXAMINER: BRADFORD,  
RODERICK D.

ART UNIT: 3762

CONF. No: 4196

RECEIVED

MAR 23 2004

OFFICE OF THE COMMISSIONER

**Petition to Revive Unintentionally Abandoned  
Application under 37 C.F.R. § 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which apparently became abandoned on November 29, 2002 for failure to file a Notice of Recission of Previous Nonpublication Request.
2. Reply Under 37 C.F.R. § 1.137(b)(1)

Enclosed herewith is the Notice of Rescission of Previous Nonpublication Request.

3. Fee Under 37 C.F.R. § 1.137(b)(2)

Enclosed is a check covering the fee of \$665.00 under 37 C.F.R. § 1.17(m).

4. Statement Under 37 C.F.R. § 1.137(b)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

03/23/2004 AWONDAF1 00000045 09978134

01 FC:2453

665.00 OP

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☒ This petition is being filed prior to the issuance of the Notice of Abandonment. Under current USPTO practice, further information regarding the abandonment is not required.
- ☐ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by \_\_\_\_\_ explaining how the abandonment occurred and how it was unintentional.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by \_\_\_\_\_ explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

6. Terminal Disclaimer under 37 C.F.R. § 1.137(b)(4) and (c)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-0665.

Respectfully submitted,  
Perkins Coie LLP

Date: March 18, 2009

Paul T. Parker  
Paul T. Parker  
Registration No. 38,264

**Correspondence Address:**

Customer No. 25096  
Perkins Coie LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 359-8000



112

PTO/SB/36 (05-03) (MODIFIED)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF RESCISSION OF PREVIOUS  
NONPUBLICATION REQUEST**

(35 U.S.C. 122(b)(2)(B)(ii))

AND, IF APPLICABLE,

**NOTICE OF FOREIGN FILING**

(35 U.S.C. 122(b)(2)(B)(iii))

Send completed form to:

**Mail Stop PG Pub**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 305-8568

Application Number

09/978,134

Filing Date

October 15, 2001

First Named Inventor

Bradford Evan  
Gliner

Title

SYSTEMS AND METHODS FOR  
AUTOMATICALLY OPTIMIZING  
STIMULUS PARAMETERS AND  
ELECTRODE CONFIGURATIONS FOR  
NEURO-STIMULATORS

Attorney Docket Number

33734-8021US

Group Art Unit

3762

Examiner

Bradford, Roderick  
D.

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

☒ I hereby notify the Director under 35 U.S.C. 122(b)(2)(B)(iii) of a foreign or international filing.

*If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).*

March 18, 2004

Date

Paul T. Parker

Signature

206-359-3258

Telephone Number

Paul T. Parker

Typed or printed name

**This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at [PGPub@USPTO.gov](mailto:PGPub@USPTO.gov).

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)

Melody J. Altmeyer

Signature

Melody J. Altmeyer

Date

3/18/2004

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA